

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, HELD ON JUNE 17, 2024, AT 7:00 P.M. IN THE CIVIC CENTER, 16327 LAKEVIEW, JERSEY VILLAGE, TEXAS.

**A. CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT**

The meeting was called to order by Mayor Warren at 7:02 p.m. with the following present:

Mayor, Bobby Warren	City Manager, Austin Bleess
Council Member, Drew Wasson	City Secretary, Lorri Coody
Council Member, Sheri Sheppard	City Attorney, Justin Pruitt
Council Member, Michelle Mitcham	
Council Member, Connie Rossi	
Council Member, Jennifer McCrea	

Staff in attendance: Robert Basford, Assistant City Manager; Isabel Kato, Finance Director; Danny Keele, Chief of Police; Mark Bitz, Fire Chief; Abram Syphrett, Director of Innovation; and Miesha Johnson, Community Development Manager.

**B. INVOCATION, PLEDGE OF ALLEGIANCE**

1. **Prayer and Pledge by: Sheri Sheppard, Council Member, Place 2**

**C. PRESENTATIONS**

1. **None**

**D. CITIZENS' COMMENTS**

Citizens who have signed a card and wish to speak to the City Council will be heard at this time. In compliance with the Texas Open Meetings Act, unless the subject matter of the comment is on the agenda, the City staff and City Council Members are prevented from discussing the subject and may respond only with statements of factual information or existing policy. Citizens are limited to five (5) minutes for their comments to the City Council.

**Kimberly Henao15601 Singapore Lane, Jersey Village, Texas (832) 689-9878** – Ms. Henao gave her 33rd installment concerning the history of Jersey Village.

**E. CITY MANAGER'S REPORT**

City Manager Bleess gave the following monthly report.

1. Monthly Fund Balance Report, Enterprise Funds Report, Governmental Funds Report, General Fund Budget Projections, and the Utility Fund Budget Projections.
2. Fire Departmental Report and Communication Division's Monthly Report
3. Police Department Monthly Activity Report, Staffing/Recruitment Report, and Police Open Records Requests
4. Municipal Court Collection Report, Municipal Court Activity Report, Municipal Court Courtroom Activity Report, Speeding and Stop Sign Citations within Residential Areas Report, and Court Proceeds Comparison Report
5. Public Works Departmental Status Report
6. Golf Course Monthly Report, Golf Course Financial Statement Report, Golf Course Budget Summary, and Parks and Recreation Departmental Report
7. Code Enforcement Report

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

**F. CONSENT AGENDA**

The following items are considered routine in nature by the City Council and will be enacted with one motion and vote. There will not be separate discussion on these items unless requested by a Council Member, in which event the item will be removed from the Consent Agenda and considered by separate action.

Each Consent Agenda item appears below with background information. Items 6 and 7 were pulled from the Consent Agenda for further discussion. Accordingly, Items 6 and 7 contain discussion information as well as Council's vote, if applicable. The vote for Items 1 through 5 are found at the end of the Consent Agenda.

- 1. Consider approval of the Minutes for the Regular Session Meeting held on May 15, 2024, and the Work Session Meeting held on May 15, 2024.**
- 2. Consider Ordinance No. 2024-15, receiving the Planning and Zoning Commission's Preliminary Report and calling a Joint Public Hearing of the City Council and the Planning and Zoning Commission concerning the request of Senate Avenue Pharmacy LLC, through its owner Laura Smith Williams, for a specific use permit to allow the operation of a retail pharmacy located at 7412 Senate Avenue, Jersey Village, TX 77040 within the city limits in zoning District F; and by prescribing the notice requirements for a public hearing.**

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission met on June 4, 2024, to consider the application of Senate Avenue Pharmacy LLC, through its owner, Laura Smith Williams, for a specific use permit to allow the operation of a retail pharmacy located at 7412 Senate Avenue, Jersey Village, TX 77040 within the city limits in zoning District F.

After review and discussion, the Commissioners preliminarily proposed that Senate Avenue Pharmacy LLC, through its owner Laura Smith Williams, be allowed to operate as a retail pharmacy located at 7412 Senate Avenue within the City of Jersey Village in zoning District F.

This item is to receive the Planning and Zoning Commission's preliminary report, call a joint public hearing for July 15, 2024, and prescribe the type of notice to be given, and the time and place of the public hearing required as authorized by Chapter 211.006(c) of the Texas Local Government Code. **It must be passed by a two-thirds vote.**

**ORDINANCE NO. 2024-15**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION'S PRELIMINARY REPORT AND CALLING A JOINT PUBLIC HEARING OF THE CITY COUNCIL AND THE PLANNING AND ZONING COMMISSION CONCERNING THE REQUEST OF SENATE AVENUE PHARMACY LLC,

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

THROUGH ITS OWNER LAURA SMITH WILLIAMS, FOR A SPECIFIC USE PERMIT TO ALLOW THE OPERATION OF A RETAIL PHARMACY LOCATED AT 7412 SENATE AVENUE, JERSEY VILLAGE, TX 77040 WITHIN THE CITY LIMITS IN ZONING DISTRICT F; AND PRESCRIBING THE NOTICE REQUIREMENTS FOR A PUBLIC HEARING.

- 3. Consider Ordinance No. 2024-16, amending the Jersey Village Code of Ordinances, Chapter 2, Article IV, Division 2, Section 2-142 to amend the Schedule of Fees related to filming in Jersey Village; adopting Film Friendly Guidelines; and providing for severability and repeal.**

**BACKGROUND INFORMATION:**

The City of Jersey Village seeks to enhance economic development and elevate our brand within the business community and the film industry. By joining the Film Friendly Texas Program, we aim to position our city as a prime location for media production, aligning with our broader goals of attracting new business opportunities and fostering community growth. This initiative reflects our commitment to becoming a welcoming and supportive environment for creative industries, ultimately contributing to the economic vitality and cultural enrichment of Jersey Village.

To achieve this, we will adhere to the standards set by the Film Friendly Texas Program. Since its inception in 2007, the program has equipped certified communities with the necessary training and guidance on industry standards and best practices. By participating, Jersey Village will gain access to these resources, enabling us to effectively support media production activities and attract filmmakers to our city. This process includes establishing Film Friendly Guidelines that will streamline the permitting process and ensure that film production is conducted in a manner that respects our community's needs and expectations.

The agenda item seeks approval for the resolution supporting Jersey Village's application for this designation. The proposed guidelines cover essential aspects such as film permits, the use of city streets and buildings, and proper notification procedures for residents and businesses impacted by filming activities. By passing these guidelines, we will formalize our commitment to fostering a film-friendly environment and set the stage for successful integration into the Film Friendly Texas Program.

**ORDINANCE NO. 2024-16**

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE JERSEY VILLAGE CODE OF ORDINANCES, CHAPTER 2, ARTICLE IV, DIVISION 2, SECTION 2-142 TO AMEND THE SCHEDULE OF FEES RELATED TO FILMING IN JERSEY VILLAGE; ADOPTING FILM FRIENDLY GUIDELINES; AND PROVIDING FOR SEVERABILITY AND REPEAL.

- 4. Consider Resolution No. 2024-47, receiving the Planning and Zoning Commission's Review Report pertaining to Apex Heritage Properties, LLC's request to amend the**

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

**City of Jersey Village’s 2020 Comprehensive Plan at Chapter 4 concerning the City’s Thoroughfare Plan.**

**BACKGROUND INFORMATION:**

The Planning and Zoning Commission (P&Z) met on June 4, 2024, to discuss and review Apex Heritage Properties, LLC’s request to amend the City of Jersey Village’s 2020 Comprehensive Plan at Chapter 4 concerning the City’s Thoroughfare Plan.

This item is to receive the Commission’s Report.

**RESOLUTION NO. 2024-47**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, RECEIVING THE PLANNING AND ZONING COMMISSION’S REVIEW REPORT PERTAINING TO APEX HERITAGE PROPERTIES, LLC’S REQUEST TO AMEND THE CITY OF JERSEY VILLAGE’S 2020 COMPREHENSIVE PLAN AT CHAPTER 4 CONCERNING THE CITY’S THOROUGHFARE PLAN.

- 5. Consider Resolution 2024-48, authorizing the Jersey Village Fire Chief, Mark Bitz, to enter into agreement with DEMA Consulting and Management (DEMA), allowing Holistic Assistance Response Teams (HART) to provide non-emergent assistance to specific populations in need.**

**BACKGROUND INFORMATION:**

DEMA Consulting & Management (DEMA) is a contracted firm with Harris County, TX to provide response assistance to specific populations of the community. More specifically, the primary focus for DEMA is assisting individuals experiencing mental health issues. This company, working directly with Harris County Public Health & Harris County Sheriff’s Department, has created a team from Harris County called HART. Holistic Assistance Response Teams (HART) is a new Harris County program created to dispatch 911 directly and other calls to interdisciplinary unarmed, first responder teams, trained in behavioral health and on-scene medical assistance.

Since the program’s inception, the team has responded to nearly 1,000 911 calls. Nearly 700 people have been supported with immediate interventions from HART responders who are trained in behavioral and medical health and social work. HART’s community responders are handling nearly 20% of all 911 calls in their service area.

HART, which is operated by Harris County Public Health (HCPH), sends trained first responders to assist people struggling with issues related to mental health, substance use or homelessness so they can receive help they need. The program also eases the burden on law enforcement by allowing officers to focus on serious crimes.

The HART program, one of two pilot programs under the Community Health and Violence Prevention Services (CHVPS) Division at HCPH, operates out of the Cypress Station area in north Harris County.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

The HART program aims to improve community health and safety by quickly providing the appropriate response to residents experiencing homelessness, behavioral health issues, or non-emergency health or social welfare concerns, and to reduce unnecessary law enforcement or hospital-based interventions for non-emergent 911 calls.

This agreement between DEMA and Jersey Village Fire Department would allow for HART to be contacted by our Law Enforcement and Fire Personnel, ensuring that populations of the homelessness, behavioral health, Social and non-emergent are provided care by qualified trained personnel. There is no cost to our city for this program. The agreement allows for HART to enter into our city and jurisdiction.

The Fire Department's Medical Director, Dr. Diana Fite has reviewed this program and their medical protocols and has approved this agreement. It now requires the fire chief to sign.

RESOLUTION NO. 2024-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE JERSEY VILLAGE FIRE CHIEF, MARK BITZ, TO ENTER INTO AGREEMENT WITH DEMA CONSULTING AND MANAGEMENT (DEMA), ALLOWING HOLISTIC ASSISTANCE RESPONSE TEAMS (HART) TO PROVIDE NON-EMERGENT ASSISTANCE TO SPECIFIC POPULATIONS IN NEED.

- 6. Consider Resolution 2024-49, authorizing the City Manager to enter into an agreement with PEA Group for Equador Pedestrian Bridge design, construction documents, bidding, and construction phase services.**

**BACKGROUND INFORMATION:**

This item is to authorize the City Manager to enter into an agreement with PEA Group Burditt for the design, construction documents, and bidding and construction phase services for the Equador Pedestrian Bridge to replace the existing bridge.

The Pedestrian bridge was an approved project in the 2023 bond election and this new design will revitalize a heavily traveled bridge by Jersey Village residents accessing parks and local schools. The total cost for this design proposal is expected to be \$50,000, which includes surveying, as built drawings, bridge planning, layout & construction drawings, wetlands specialists, Texas agricultural barriers project registration, construction phase services, and bidding assistance services.

If approved, staff would begin conceptual meetings to formulate a plan, establishing an updated timeline and gathering lead times to strategically schedule the bridge construction to minimize usage impact.

City Council engaged in discussion concerning this item and that this is for a pedestrian bridge. It was also confirmed that \$500K is earmarked for this bridge. There was also discussion about the Flood Control District needing to approve the design of this bridge.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

With no further discussion on the matter, Council Member Wasson moved to approve Resolution 2024-49, authorizing the City Manager to enter into an agreement with PEA Group for Equador Pedestrian Bridge design, construction documents, bidding, and construction phase services. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

RESOLUTION NO. 2024-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH PEA GROUP FOR EQUADOR PEDESTRIAN BRIDGE DESIGN, CONSTRUCTION DOCUMENTS, BIDDING, AND CONSTRUCTION PHASE SERVICES.

- 7. Discuss and take appropriate action concerning the progress being made by the Owners of the property located at 15830 NW FWY, Jersey Village, Texas to correct the substandard structure at this location.**

**BACKGROUND INFORMATION:**

On January 22, 2024, the City Council conducted a public hearing pursuant to Section 34-253 of the Code, so that the owner or the owner's representatives for the property located at 15830 NW FWY, Jersey Village, Texas may appear and show cause 1) why such buildings or structures should not be declared to be substandard and 2) why the owner should not be ordered to repair, vacate or demolish the buildings or structures.

After that hearing, City Council passed ordinance 2024-01, finding the structure at 15830 NW FWY, Jersey Village, Texas 77040 to be substandard and a public nuisance.

Since the passage of the Ordinance, the Owner has submitted reports to City Council by way of updating the Council on the progress being made by the owner on the substandard structure.

In accordance with the ordinance, the owner has since demolished the secondary structure next to the building. Due to recent weather events, the Owner's contractors have postponed subsequent work but is set to begin this week and the first week of July respectively. As of this status report, the owner is still within compliance with the ordinance.

Tonight, the owner submits the 5th update report.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

There was discussion about the building. Some members do not like the way it looks. There was discussion about the permits. They have been issued. Recently, the tree has been removed.

Council wondered about the next steps. Ms. Johnson stated that each Council Meeting will have an update until the project is complete. She went on to say that all demolition work is complete. The next step is to work on the inside of the building. There was also discussion about the other property on the other side Senate Avenue. Ms. Johnson stated that they have intentions for a large convenience store. City Attorney Pruitt gave information about the next steps in this process. No action was taken by the Council in connection with this item.

Items 6 and 7 were removed from the consent agenda. The discussion and vote for the removed items can be found under the appropriate Consent Agenda item. The vote for the remaining items NOT removed from the Consent Agenda is as follows:

Council Member Sheppard moved to approve Items 1 through 5 on the Consent Agenda. Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

**G. REGULAR AGENDA**

- 1. Conduct a Public Hearing for the purpose of giving the public the opportunity to give testimony and present written evidence concerning the request of Apex Heritage Properties, LLC to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan.**

Mayor Warren opened the public hearing at 7:18 p.m. for the purpose of giving the public the opportunity to give testimony and present written evidence concerning the request of Apex Heritage Properties, LLC to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan.

Mayor Warren gave background information concerning this issue as outlined in item G2 which is next on the agenda.

Steven Garza, with Bowman Engineering, appeared on behalf of the applicant, Apex. He gave background information on this project. He stated that during their due diligence process for this project they realized a problem with the City's Thoroughfare Plan. It concerns the roadway identified in Pink on the Thoroughfare Plan map. He stated that for this particular roadway there is a City of Houston water line that runs directly under the area identified for the roadway. As such, he stated that the City of Houston will not permit the construction of a roadway in this area, and as a result, the applicant is seeking to have

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

this roadway removed from the City's Throughfare Plan. He went on to explain the other three roads that are inside the ETJ and not a part of the Thoroughfare Plan. He explained that none of these roads provide connectivity. He is looking to remove these four (4) roads. He wants the Plan amended since an amendment to the Plan would not impeded the development of their property.

With no one else signing up to speak, Mayor Warren closed the public hearing called for the purpose of giving the public the opportunity to give testimony and present written evidence concerning the request of Apex Heritage Properties, LLC to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan at 7:25 p.m.

**2. Consider Ordinance 2024-17, amending the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan by removing certain road segments located between Fairview Street and Wright Road, west of the intersection of Wright Road and Charles Road.**

Miesha Johnson, Community Development Manager, introduced the item. Background information is as follows:

Apex Heritage Properties, LLC (Apex) has filed an application requesting amendments to the City's currently adopted Master Thoroughfare Plan, which is included in and made a part of the City's Comprehensive Plan at Chapter 4.

In its application, Apex seeks to remove proposed road segments from the Thoroughfare Plan. The segments to be removed are in close proximity to the property they wish to develop, which is a 16.0194-acre tract located between Fairview Street and Wright Road, West of the intersection of Wright Road and Charles Road. A map of the area is included with the application that identifies the proposed road segments to be removed.

Since the City's Thoroughfare Plan is incorporated into the City's Comprehensive Plan, in order to make an amendment to the Thoroughfare Plan, the City's Comprehensive Plan must be amended. Local Government Code (LGC) Sec. 213.003 provides for amending a City's Comprehensive Plan. Section 213.003 states:

- (a) A comprehensive plan may be adopted or amended by ordinance following:
  - (1) a hearing at which the public is given the opportunity to give testimony and present written evidence; and
  - (2) review by the municipality's planning commission or department, if one exists.
- (b) A municipality may establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

In satisfying Section 213.003(a)(2), the Planning and Zoning Commission met on June 4, 2024, and conducted a review of Apex Heritage Properties, LLC's request to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's



REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

Thoroughfare Plan. In completing the review, the Commission prepared a Review Report which was received officially by this Council during the Consent Agenda portion of this meeting. The Commission recommended that City Council make NO amendments to the City's 2020 Comprehensive Plan.

In satisfying Section 213.003(a)(1), City Council conducted a public hearing for the purpose of giving the public the opportunity to give testimony and present written evidence concerning the request of Apex Heritage Properties, LLC to amend the City of Jersey Village's 2020 Comprehensive Plan at Chapter 4 concerning the City's Thoroughfare Plan on June 17, 2024.

Ms. Johnson stated that the Planning and Zoning Commission did not recommend this amendment and Staff agrees with that recommendation.

Mayor Warren called Planning and Zoning (P&Z) Chairman Rick Faircloth to give background information. He stated that P&Z wanted to make sure that any decision made concerning this request does not affect the master plan of the community on the South side of US HWY 290 and this is why the review is passed on to City Council to decide.

Council engaged in discussion about the request. Some members wanted to know about the impact of a decision. City Attorney Pruitt gave background information about the process to include the difference between the process of platting and the process of amending the Thoroughfare Plan. He explained that there is a problem with having a roadway in the Plan that runs over the City of Houston water line. So, what is being asked is that the road identified by the pink line on the Plat be removed. If Council desires to remove the roadway, the City's Comprehensive Plan will need to be amended in order to amend the Thoroughfare Plan given that the Thoroughfare Plan is a part of and included in the City's Comprehensive Plan. Another avenue that the applicant pursue to address this issue is to speak with the City about annexation.

City Council asked about the implications of amending the Plan. City Manager Bleess stated that the implication is that it would alter the long-term plans that the City has had for District D. Some members felt that approving this is kind of putting the horse before the cart given that we just appointed a Comprehensive Plan Update Committee (CPUC). Other members felt that the CPUC is not due to finish their work until next year. This would certainly impede the applicant's development.

The City of Houston water line connects to our water plant that provides water to our City. There was discussion about the complications of same. City Manager Bleess stated that because of this, it is something that the CPUC and the P&Z should consider in order to provide more information to City Council. Most members believe that more information is needed, and it is too early to make a decision without understanding the implications. It is also important to understand the alternatives. City Attorney Pruitt gave a brief explanation about the other avenues to pursue as opposed to amending the Comprehensive Plan.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

City Attorney Pruitt stated that if no action is taken this evening, the Council has satisfied the legal steps and can still consider an amendment at a future time.

No action was taken on this item.

**3. Consider Resolution No. 2024-50, granting B & C Entertainment, LLC d/b/a Comedy Sportz a variance from Section 6-5 of the City of Jersey Village Code of Ordinances to allow the sale of alcoholic beverages within three hundred feet (300') of a church.**

Lorri Coody, City Secretary, introduced the item. Background information is as follows:

B & C Entertainment, LLC d/b/a Comedy Sportz (Comedy Sportz), has submitted a Texas Alcoholic Beverage Commission application for a Mixed Beverage Permit with subordinates of a Food and Beverage Certificate and Late Hours Certificate. They identify the business type as a Restaurant to be located at 8301 Jones Road, Suite 160, Jersey Village, Texas.

8301 Jones Road, Suite 160 is located within 300 feet of Hope Church.

The City's Code of Ordinance at Sec. 6-5 (a) states: "It shall be unlawful for any dealer to sell alcoholic beverages within the corporate limits of the city where the place of business of such dealer is within 300 feet of any church, school or hospital."

Because Comedy Sportz is to be located within 300 feet of Hope Church, the City Secretary is unable to complete the on-premises certifications required by the Texas Alcoholic Beverage Commission, resulting in the halting of the Comedy Sportz application for this location.

Nonetheless, the Texas Alcoholic Beverage Commission provides an exception to the 300-foot requirement as follows:

**Texas Alcoholic Beverage Code**

**Sec. 109.33. SALES NEAR SCHOOL, CHURCH, OR HOSPITAL.**

(a) The ... governing board of an incorporated city or town may enact regulations applicable in the city or town, prohibiting the sale of alcoholic beverages by a dealer whose place of business is within:

(1) 300 feet of a church, public or private school, or public hospital;

...

(e) **The ... governing board of a city** or town that has enacted a regulation under Subsection (a) of this section **may also allow variances to the regulation** if the ... governing body determines that enforcement of the regulation in a particular instance is not in the best interest of the public, constitutes waste or inefficient use of land or other resources, creates an undue hardship on an applicant for a license or permit, does not serve its intended purpose, is not effective or necessary, or for any other reason the ...

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

governing board, after consideration of the health, safety, and welfare of the public and the equities of the situation, determines is in the best interest of the community.

In light of Section 109.33(e), Comedy Sportz has requested that City Council consider approving a variance to the 300-foot distance requirement and allow Comedy Sportz to be located at 8301 Jones Road, Suite 160 which is within 300 feet of Hope Church. In support of their request, Comedy Sportz submits Exhibit K – Alcohol Sale and Consumption Consent Letter, which is Hope Church’s consent to the sale and consumption of alcohol. Exhibit K is a part of Hope Church’s lease with Texas SN Jersey Village, LLC the landlord for the property located at 8301 Jones Road.

The applicant, Comedy Sportz, was present to address any questions City Council may have regarding the request. He gave background information about his business and the contents of the lease wherein Hope Church consents to the sale and consumption of alcohol within 300 feet of their church.

With limited discussion on the matter, Council Member Mitcham moved to approve Resolution 2024-50, granting B & C Entertainment, LLC d/b/a Comedy Sportz’s request for a variance from Section 6-5 of the City of Jersey Village Code of Ordinances to allow the sale of alcoholic beverages within three hundred feet (300’) of a church and to authorize the City Secretary to execute any and all documents related to the variance for the purpose of effectuating the purpose of this Resolution and to complete the on-premises certifications required by the Texas Alcoholic Beverage Commission for the application of Comedy Sportz at the Site. Council Member Rossi seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

RESOLUTION NO. 2024-50

A RESOLUTION OF THE CITY OF JERSEY VILLAGE, TEXAS, GRANTING B&C ENTERTAINMENT, LLC D/B/A COMEDY SPORTZ A VARIANCE FROM SECTION 6-5 OF THE CITY OF JERSEY VILLAGE CODE OF ORDINANCES TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES WITHIN THREE HUNDRED FEET (300’) OF A CHURCH.

- 4. Consider Ordinance 2024-18, amending the General Fund and the Capital Improvement Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$1,000,000 by increasing line item 01-12-9760 (Transfer to Capital Improvement Fund) and increase line item 10-90-9751 (Transfer from General Fund).**

Isabel Kato, Finance Director, introduced the item. Background information is as follows:

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

During the Fiscal Year 2022-2023, the City Council authorized the transfer of \$1,000,000 from the General Fund balance to the Capital Improvement Fund. Due to an oversight by our department, this transfer was unfortunately not executed during the specified fiscal year. The funds are critical for the completion of the New Playground structure for the Carol Fox Park and the ball fields at Clark Henry Park, which were part of our Capital Improvement Fund Projects. Given the importance of these projects, we kindly request the City Council authorize this transfer of \$1,000,000.

With limited discussion on the matter, Council Member Sheppard moved to approve Ordinance 2024-18, amending the General Fund and the Capital Improvement Budget for the fiscal year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$1,000,000 by increasing line item 01-12-9760 (Transfer to Capital Improvement Fund) and increase line item 10-90-9751 (Transfer from General Fund). Council Member Mitcham seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

ORDINANCE NO. 2024-18

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND AND CAPITAL IMPROVEMENT FUND BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN THE AMOUNT NOT TO EXCEED \$1,000,000 BY INCREASING LINE ITEM 01-12-9760 (TRANSFER TO CAPITAL IMPROVEMENT FUND) AND INCREASING LINE ITEM 10-90-9751 (TRASFER FROM GENERAL FUND).

**5. Consider Resolution No. 2024-51, authorizing the use of Hotel Occupancy Tax Funds to refund the General Fund Revenue used for the purpose of financing a portion of the Jersey Meadow Convention Center/Club House Project.**

City Manager Bless introduced the item. Background information is as follows: As part of our Convention Center Club House project the City Council has allocated money from the general fund to cover the cost of this. Previously the Council has discussed doing this as a loan, which would be repaid by the Hotel Occupancy Tax (HOT) Fund. HOT funds are specifically designated under Chapter 351 of the Texas Tax Code to promote tourism and support the convention and hotel industries. Being able to leverage these funds to support this project is a good use of these funds. This current year the Council allocated funds towards the construction cost, and the resolution before the City Council expands on this by reimbursing the General Fund for expenditures related to the Convention Center/Club House project at the Jersey Meadow up to an amount of \$8,313,855.

Typically, the HOT Fund generates about \$100,000 in unallocated funds each year. As things exist today this would certainly not cover the full amount of the expenditure.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

However, if development occurs and new hotels are constructed, we would see more HOT Funds that would speed up the repayment of this.

The proposed resolution establishes that the HOT Refund complies with the statutory requirements for HOT fund expenditures. It also outlines the parameters for the City Manager or designee to follow in implementing this refund. The process involves budgeting the collected HOT funds not allocated to other eligible activities as a transfer to the General Fund. Additionally, if actual revenues exceed expenditures at the end of the fiscal year, the excess amount will be transferred to the General Fund following a budget amendment approved by the City Council.

This resolution underscores our dedication to maximizing the impact of our financial resources while adhering to regulatory guidelines. By approving this resolution, the City Council will enable the effective use of HOT funds while promoting tourism and enhancing the local economy.

With limited discussion on the matter, Council Member Mticham moved to approve Resolution No. 2024-51, authorizing the use of Hotel Occupancy Tax Funds to refund the General Fund Revenue used for the purpose of financing a portion of the Jersey Meadow Convention Center/Club House Project. Council Member Wasson seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

RESOLUTION NO. 2024-51

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AUTHORIZING THE USE OF HOTEL OCCUPANCY TAX FUNDS TO REFUND GENERAL FUND REVENUE USED FOR THE PURPOSE OF FINANCING A PORTION OF THE JERSEY MEADOWS CONVENTION CENTER/CLUB HOUSE PROJECT.

**6. Consider Resolution No. 2024-52, awarding the bid and authorizing the City Manager to enter into a contract with Pipe View America for the 2024 Wastewater Collection System Cleaning and Televising project.**

Robert Basford, Assistant City Manager, introduced the item. Background information is as follows:

On June 6, 2024, City staff received bid documents for the televising and cleaning of sanitary sewer lines installed pre-1970s through the 2020s. Four responsive bids were received for the project as follows:

Bidder	Base Bid	Alternate Bid	Substantial
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REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

			Completion Time
Pipe View America	\$490,074.00	\$493,164.00	225 Calendar Days
CSI Consolidated LLC DBA Aims Companies	\$621,570.00	\$621,447.00	200 Calendar Days
Equix Integrity Southeast	\$704,200.00	\$704,200.00	180 Calendar Days
Ace Pip Cleaning, Inc	\$780,140.00	\$727,670.00	160 Calendar Days

The original engineers estimate for this project was \$904,000 which included a 25% contingency.

The scope of work consists of cleaning and televising approximately 189,000 linear feet of sanitary sewer pipe, including 1,900 linear feet of <6-Inch pipe, 14,300 linear feet of 6-Inch pipe, 88,600 linear feet of 8-Inch pipe, 36,600 of 10-Inch pipe, 17,000 linear feet of 12-Inch pipe, 12,400 linear feet of 15-Inch pipe, 4,700 linear feet of 18-Inch pipe, 8,000 linear feet of 24-Inch pipe, 2,200 linear feet of 27-Inch pipe, 2,200 linear feet of 30-Inch pipe, and 800 linear feet of 36-Inch pipe. The work also consists of cleaning and televising of approximately 900 sanitary sewer manholes.

City staff and consulting engineering firm, Quiddity Engineering, worked together to ensure bidding was conducted in compliance with all applicable federal, state and local standards.

Pipe View America submitted the lowest responsible bid for the project. Pipe View America is a credible company that comes with a recommendation from the consulting Engineering Firm, Quiddity Engineering.

Approximately 53% or \$253,572.24 of the total cost of this project will be paid from the bond funds approved in 2023 and the remainder will be paid from the utility fund capital improvement fund. We have \$187,463 remaining in this year’s utility fund sanitary inspection line item and \$250,000 remaining in this year’s utility fund sanitary rehab line item. With this project set to last 225 calendar days we will budget the end of the year balances to roll over with an additional \$73,3327.18 budgeted to the inspection line item. This project should be completed in early 2025.

This project will identify the severity and scope of the repairs needed for our wastewater collection system and will at the same time provide some preventative maintenance by way of pipe cleaning.

There was discussion about the bond monies and how they are allocated. Assistant City Manager Basford stated that the most needed pipes will go first and there is a plan for moving forward with the rest of the pipes. The spread from the highest to lower bidder was discussed given that the difference in price was connected to the length of the project. Our consultant explained the spread and the position that it was better for the City to have the lower cost even though it may take a bit longer to complete the project. The tract record of this company was discussed.

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

With no further discussion on the matter, Council Member Mitcham moved to approve Resolution No. 2024-52, awarding the bid and authorizing the City Manager to enter into a contract with Pipe View America for the 2024 Wastewater Collection System Cleaning and Televising project. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

RESOLUTION NO. 2024-52

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JERSEY VILLAGE, TEXAS, AWARDING THE BID AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH PIPE VIEW AMERICA FOR THE 2024 WASTEWATER COLLECTION SYSTEM CLEANING AND TELEVISIONING PROJECT.

- 7. Consider Ordinance 2024-19, amending the General Fund and the Capital Improvement Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$529,883.13 by increasing line items 01-12-9760 (Transfer To Capital Improvement), 10-90-9751 (Transfer From General Fund) and 10-91-7131 (Golf Course Convention Center) to cover the cost of the Golf Course Building Steel Remediation Change Order; extending the contract completion date with Brookstone L.P. to November 7, 2024; and authorizing the City Manager to sign the necessary documents with Brookstone L.P. to effect the change order and contract extension.**

Robert Basford, Assistant City Manager, introduced the item. Background information is as follows:

On April 17<sup>th</sup> unforeseen conditions involving the structural steel at Building A, which is the original existing club house, specifically rusted bolts and two columns near the pro shop area of the building were brought to our attention and work on the renovation was stopped to allow for additional testing.

The project team began establishing a remediation scope that involved calling Maritech Engineering out to the site to assess the building and to provide a recommended remediation plan to reinforce the existing steel structure that would support the weight of new materials.

Maritech's initial visit established a material testing scope that could be used to establish the remediation plan which was scheduled and conducted in early May. After a brief delay due to the windstorm the material testing report was submitted to the design team and the remediation plan was finalized. Once finalized, the plan was reviewed by FGM

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

Architects and submitted to Brookstone to finalize their construction pricing and an updated construction timeline.

The reinforcement work will also involve some demolition & re-installation of materials. Below is a summary of the costs outlined in this PCO:

- Structural Steel: Addition of new columns, wind portals, rafters, x-bracing, base plate reinforcement, additional roof purlins between existing purlins, and other miscellaneous steel details.
- Concrete: New spread footings, setting of new anchor bolts for columns, and pour-back.
- Demolition: Saw cutting spread footings into existing slab. Demolition of finished walls to install new columns. Demolition of exterior sheathing to install new wind portals.
- Waterproofing & Sheathing: Reinstallation of exterior sheathing at wind portal locations. Reapplication of damp proofing, as it can only remain exposed for 30 days.
- MEP Overhead & In-wall Rework: Removal and reinstallation of MEP and fire suppression materials due to the installation of new purlins.
- Framing: Reframing of walls that have been demolished to install the proposed fixes, including new framing as required by the updated drawings (attached).
- Tiling: Reinstallation of tile at restroom walls where demolition occurred to install new columns.

The cost for this work is \$529,883. This delay has pushed substantial completion to November 7, 2024, primarily due to material availability and rework durations and a time extension has been requested. A 10% contingency has been included to cover any potential changes in the fabrication set of drawings.

Council engaged in discussion about the change order. Most felt that there was no way to know about this before beginning the process. It is needed to complete the project. The maximum guaranteed price of the initial contract was discussed. Some members wanted to know if this change order request is legally outside the maximum guaranteed price. City Manager Bless gave reasons why staff believes it would be outside the maximum guaranteed price. His reasons were discussed by City Council. City Attorney Pruitt stated that in Construction Contracts there is a 25% rule that allows the costs to go up or down in order to complete the project. The issue was discussed further concerning about the company's obligation to do due diligence in connection with entering into a maximum guaranteed price. Perhaps the City Attorney should double check to make sure and if a Special Meeting is needed so that work is not delayed too long, then that could happen, but checking is important. However, City Attorney Pruitt explained that he has an opportunity to review the contract during City Council's discussions and after reviewing same is of the opinion that this change order falls outside the guaranteed maximum price agreement.



REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

With no further discussion on the matter, Council Member Mitcham moved to approve Ordinance 2024-19, amending the General Fund and the Capital Improvement Budget for the Fiscal Year beginning October 1, 2023, and ending September 30, 2024, in the amount not to exceed \$529,883.13 by increasing line items 01-12-9760 (Transfer To Capital Improvement), 10-90-9751 (Transfer From General Fund) and 10-91-7131 (Golf Course Convention Center) to cover the cost of the Golf Course Building Steel Remediation Change Order; extending the contract completion date with Brookstone L.P. to November 7, 2024; and authorizing the City Manager to sign the necessary documents with Brookstone L.P. to effect the change order and contract extension. Council Member Sheppard seconded the motion. The vote follows:

Ayes: Council Members Wasson, Sheppard, Mitcham, Rossi, and McCrea

Nays: None

The motion carried.

ORDINANCE NO. 2024-19

AN ORDINANCE OF THE CITY OF JERSEY VILLAGE, TEXAS, AMENDING THE GENERAL FUND AND THE CAPITAL IMPROVEMENT BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2023, AND ENDING SEPTEMBER 30, 2024, IN THE AMOUNT NOT TO EXCEED \$529,883.13 BY INCREASING LINE ITEMS 01-12-9760 (TRANSFER TO CAPITAL IMPROVEMENT) 10-90-9751 (TRANSFER FROM GENERAL FUND) AND 10-91-7131 (GOLF COURSE CONVENTION CENTER) TO COVER THE COST OF THE GOLF COURSE BUILDING STEEL REMEDIATION CHANGE ORDER; EXTENDING THE CONTRACT COMPLETION DATE WITH BROOKSTONE L.P. TO NOVEMBER 7, 2024; AND AUTHORIZING THE CITY MANAGER TO SIGN THE NECESSARY DOCUMENTS WITH BROOKSTONE L.P. TO EFFECT THE CHANGE ORDER AND CONTRACT EXTENSION.

**H. MAYOR AND COUNCIL COMMENTS**

Pursuant to Texas Government Code § 551.0415, City Council Members and City staff may make a reports about items of community interest during a meeting of the governing body without having given notice of the report. Items of community interest include:

- Expressions of thanks, congratulations, or condolence;
- Information regarding holiday schedules;
- An honorary or salutory recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutory recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

**Council Member McCrea**: Council Member McCrea had no comments.

**Council Member Rossi**: Council Member Rossi encouraged all to attend the July 4<sup>th</sup> parade and festivities.

**Council Member Wasson**: Council Member Wasson stated that we are expecting rain in the next few days, so he encouraged residents to be prepared. He also encouraged all to attend the upcoming budget meeting on July 12. He mentioned that there is a new URL [visitjersevillagetx.com](http://visitjersevillagetx.com). He encouraged all to visit the site.

**Council Member Sheppard**: Council Member Sheppard encouraged all residents to be mindful and keep a watch for the upcoming rain.

**Council Member Mitcham**: Council Member Mitcham suggested that residents get supplies for the hurricane season. She is ready for the 4<sup>th</sup> of July fireworks.

**Bobby Warren**: Mayor Warren thanked the City Staff and residents for helping to clean the streets and neighborhoods after the last storm. These efforts help CenterPoint to get in to restore power.

**I. RECESS THE REGULAR SESSION**

Mayor Warren recessed the Regular Session to Convene into Executive Session pursuant to the Texas Open Meetings Act, Government Code Section 551.087 Deliberation Regarding Economic Development Negotiations, Section 551.072 – Deliberations about Real Property, and Section 551.071 – Consultations with Attorney at 8:12 P.M.

**J. EXECUTIVE SESSION**

- 1. Pursuant to the Texas Open Meeting Act Section 551.087 Deliberation Regarding Economic Development Negotiations, Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney a closed meeting to deliberate information from a business prospect that the City seeks to locate in Jersey Village TIRZ Number 2 and economic development negotiations, including the possible purchase, exchange, or value of real property, related thereto. Austin Bless, City Manager**
- 2. Pursuant to the Texas Open Meetings Act Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney, a closed meeting to deliberate the potential and possible purchase, exchange, sale, or value of real property, located within TIRZ 3. Austin Bless, City Manager**

REGULAR MEETING OF THE CITY COUNCIL  
CITY OF JERSEY VILLAGE, TEXAS – JUNE 17, 2024

3. Pursuant to the Texas Open Meeting Act Section 551.072 Deliberations about Real Property, and Section 551.071 Consultations with Attorney a closed meeting to deliberate information about the possible purchase, exchange, or value of real property, related thereto. Austin Bless, City Manager
4. Pursuant to the Texas Open Meetings Act Section 551.071 Consultations with Attorney, a closed meeting to deliberate Section 552.137 of the Texas Government Code. Justin Pruitt, City Attorney

**K. ADJOURN EXECUTIVE SESSION AND RECONVENE REGULAR SESSION**

Mayor Warren adjourned the Executive Session at 9:19 p.m., stating no official action or vote was conducted during the closed session. He then reconvened and adjourned the Regular Session as follows.

**I. ADJOURN**

There being no further business on the agenda the meeting was adjourned at 9:19 p.m.

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Lorri Coody, TRMC, City Secretary

